

217495

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL

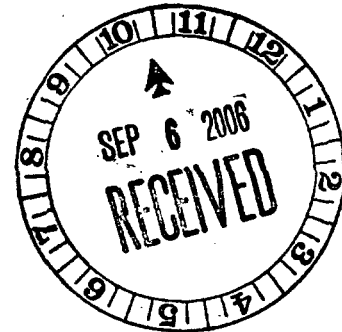


September 1, 2006

ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

(VIA UPS)

Honorable Vernon Williams, Secretary
Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W., Room 540
Washington, DC 20423-0001



RE: Docket No. AB-871X
State of New Hampshire Department of Transportation ("NHDOT")
Abandonment of Railroad Line
Verified Notice of Exemption
Lakeport Spur - Belknap County, New Hampshire

FEE RECEIVED

SEP 05 2006

Dear Secretary Williams:

**SURFACE
TRANSPORTATION BOARD**

Pursuant to the Board's exemption procedures for the abandonment of railroad lines with no local traffic for at least two years, (49 C.F.R. § 1152.50), enclosed are an original and ten (10) copies of a Verified Notice of Exemption, a Certificate of Service and Publication, and three (3) computer disks, for the Board's use.

The NHDOT has previously submitted a Notice of Exemption for a discontinuance of the rail service and has amended the filing and all notices to indicate that this is an abandonment of the rail line in accordance with the instructions received from the Board. Please file the amended Notice under the same Docket No. AB-871X and note that the required \$3,000.00 filing fee has been paid. The NHDOT has estimated the filing date to be September 5, 2006; however, the NHDOT recognizes that the actual filing date will be dependent on whether the Notice has been received. Please notify me if the file date is something other than the one previously estimated.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

ENTERED
Office of Proceedings
SEP 8 - 2006
Part of
Public Record

SGL/sed
Enclosures
14548.doc

BEFORE THE
SURFACE TRANSPORTATION BOARD



Docket No. AB-871X

STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
-ABANDONMENT EXEMPTION-
LAKEPORT SPUR
BELKNAP COUNTY, NEW HAMPSHIRE

NOTICE OF EXEMPTION

FEE RECEIVED

SEP 05 2006

SURFACE
TRANSPORTATION BOARD

FILED
SEP - 5 2006
SURFACE
TRANSPORTATION BOARD

Stephen G. LaBonte
State of New Hampshire
Office of the Attorney General
33 Capitol Street
Concord, New Hampshire 03301

Counsel for:
State of New Hampshire
Department of Transportation

Dated: September 1, 2006
Filed: September 5, 2006

ENTERED
Office of Proceedings
SEP 8 - 2006
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. AB-871X

STATE OF NEW HAMPSHIRE
-ABANDONMENT EXEMPTION-
LAKEPORT SPUR
BELKNAP COUNTY, NEW HAMPSHIRE

NOTICE OF EXEMPTION

The State of New Hampshire Department of Transportation ("NHDOT") submits this verified Notice of Exemption pursuant to 49 C.F.R. § 1152.50 - Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of a portion of a line of railroad known as the Lakeport Spur (the "Line") in Belknap County, New Hampshire. The Line to be discontinued extends from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V.21, Map 65-A ("Segment").

Proposed consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The discontinuance is proposed to be consummated on or after October 26, 2006 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

The NHDOT certifies that (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of the State of New Hampshire after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.

Additional Information Required: 49 C.F.R. § 1152.22(a)(1-4), (7),(8) and (e)(4)

(a) General

- (a)(1) The railroad's exact name is the State of New Hampshire, Department of Transportation, Bureau of Rail & Transit.
- (a)(2) New Hampshire is not a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.
- (a)(3) New Hampshire seeks to abandon a portion of railroad line known as the Lakeport Spur located in Belknap County, New Hampshire.
- (a)(4) A map showing the location of the Line is attached hereto as **Exhibit A** and hereby made a part hereof.
- (a)(7) The representative to whom correspondence regarding this discontinuance should be sent is:

Stephen G. LaBonte
Assistant Attorney General
Office of the Attorney General
33 Capitol Street
Concord, New Hampshire 03301

(a)(8) Zip Code. The Line traverses U.S. Postal Service Zip Code 03246

(e)(4) Rural and Community Impact. This segment of the Line is not suitable for public, non-rail purposes. The right owned by the State of New Hampshire is an easement for the purposes of maintaining a railroad over the underlying property. The property in question is used as a commercial business. Prior to the filing date of this abandonment, title to the property was acquired by James R. Irwin & Sons, Inc.

Labor Protection

New Hampshire understands that, in exempting the proposed discontinuance, the Board does not relieve a carrier of its statutory obligation to protect the interests of the employees. See 49 C.F.R. § 1152.50(c). There has been no traffic over the section of rail in question since 1985. As such, New Hampshire does not anticipate that any employee protected under 49 C.F.R. 1152.50(c) will be adversely affected by the proposed abandonment and discontinuance.

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50 (d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

A copy of the Transmittal Letter of the State of New Hampshire's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof.

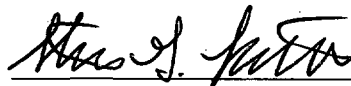
Dated this 1 day of September, 2006.

Respectfully Submitted,

THE STATE OF NEW HAMPSHIRE

By its Attorneys,

Kelly A. Ayotte,
ATTORNEY GENERAL



Stephen G. LaBonte
Assistant Attorney General
Office of the Attorney General
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-3675

VERIFICATION

STATE OF NEW HAMPSHIRE)
) ss:
COUNTY OF MERRIMACK)

I, STEPHEN G. LABONTE, Attorney for the State of New Hampshire Department of Transportation, declare under penalty of perjury, under the laws of the United States of America, that I have read and researched the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification of behalf of the State of New Hampshire. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Concord, New Hampshire, this 1st day of September, 2006.


Stephen G. LaBonte

SUBSCRIBED AND SWORN TO before me this 1st day of September, 2006.

Sharon E. DeHart
Notary Public
My Commission Expires: 4/7/09

EXHIBIT A

MAP

Figure 1. Project Location

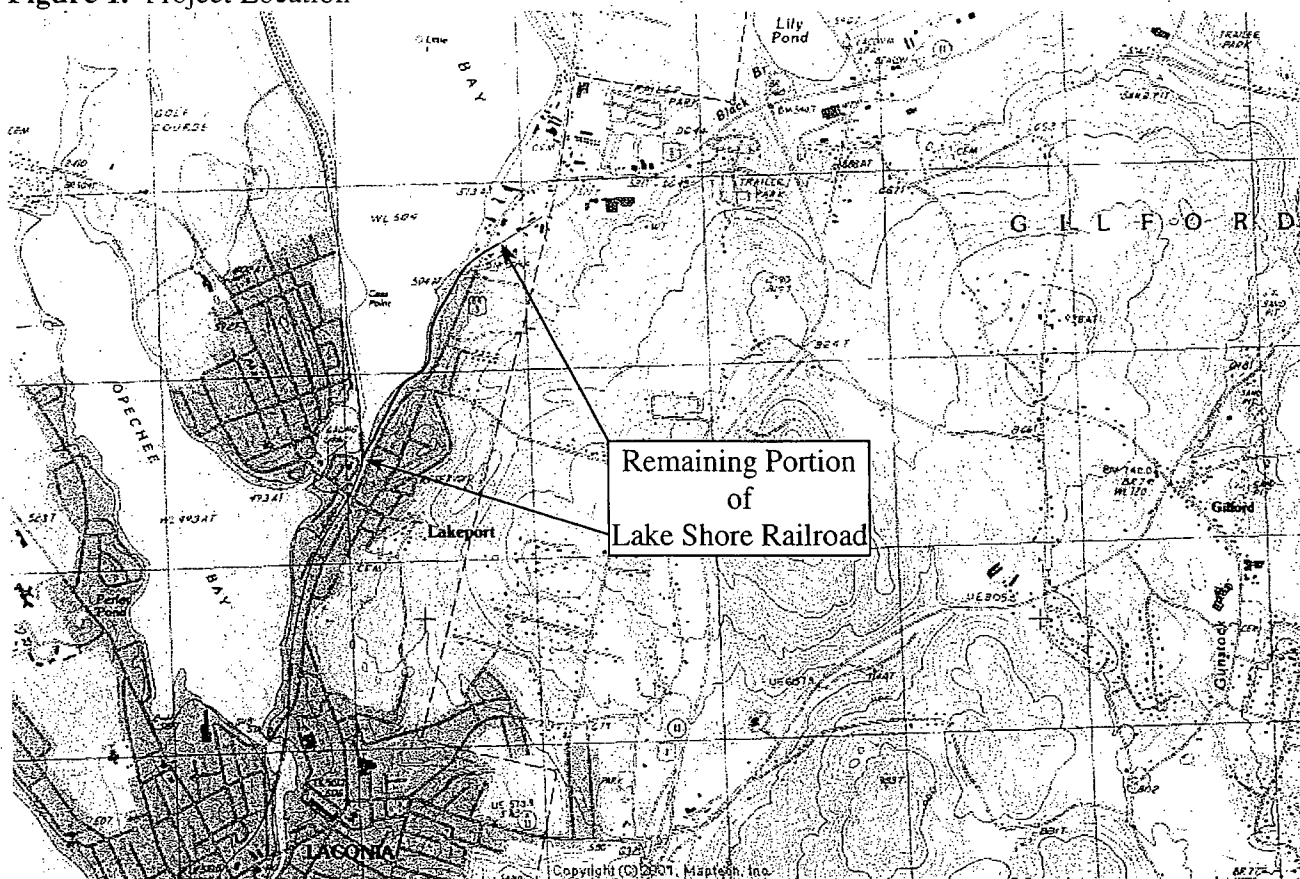


Figure 2. Project Site

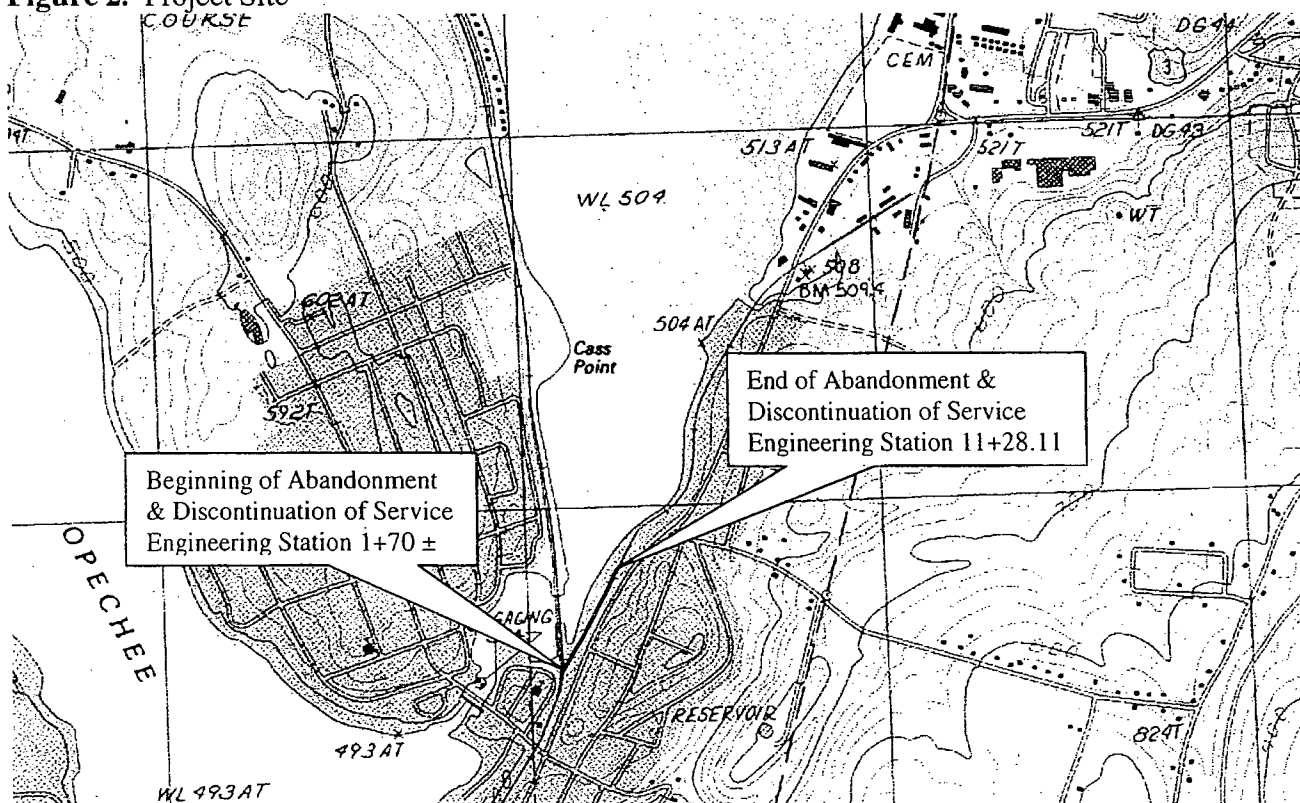


EXHIBIT B

**DOCKET NO. AB-871X
LAKEPORT SPUR**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on or before August 8, 2006, (at least 10 days before a Notice of Exemption is filed), written notice was given of the State of New Hampshire's intent to use the exemption notice procedure to abandon the line of railroad known as the Lakeport Spur in Belknap County, New Hampshire in Docket No. AB-871X. Written notice was served on the following:

- ◆ Christopher Morgan, Administrator
Bureau of Rail and Transit
NH Department of Transportation
PO Box 483
(7 Hazen Drive)
Concord, NH 03302-0483
- ◆ Mary Bomar, Regional Director, Northeast Region
National Park Service
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106
- ◆ Office of the Special Assistant for Transportation Engineering
Railroads for National Defense
Military Surface Development & Distribution Command
Transportation Engineering Agency
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-4537
- ◆ Dale Bosworth, Chief
USDA Forest Service
PO Box 96090
Washington, DC 29909-6090

49 C.F.R. § 1105.11- Environmental/Historic Report

The undersigned certifies that on or before August 8, 2006 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-871X for abandonment of the line of railroad known as the Lakeport Spur in Belknap County, New Hampshire on the following:

- (1) Office of Energy & Planning (NH)
2 Beacon Street
Concord, NH 03301-4497
- (2) Timothy W. Drew, Administrator of Public Information and Permitting
Department of Environmental Services
PO Box 95
(6 Hazen Drive)
Concord, NH 03302-0095
- (3) NH Coastal Program – Watershed Management Bureau
Department of Environmental Services
PO Box 95
Concord, NH 03302-0095
- (4) County Commissioners
Belknap County, NH
34 County Drive
Laconia, NH 03246
- (5) US Environmental Protection Agency – Region 1
1 Congress Street
Boston, MA 02114-2023
- (6) Michael J. Bartlett, Supervisor, New England Field Office
U.S. Department of Interior – U.S. Fish and Wildlife Service
70 Commercial Street – Suite 300
Concord, NH 03301-5087

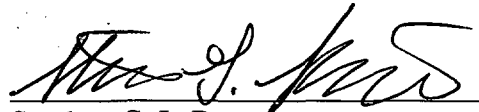
- (7) Larry Rosenberg, Chief of Public Affairs, Public Affairs Office
New England District, U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751
- (8) Mary Bomar, Regional Director, Northeast Region
National Park Service, U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106
- (9) USDA – Natural Resources Conservation Service
Concord Service Center
10 Ferry Street, Suite 312
Concord, NH 03301-5019
- (10) New Hampshire Division of Historical Resources
19 Pillsbury Street, 2nd Floor
PO Box 2043
Concord, NH 03302-2043
- (11) NGS Information Services,
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East – West Highway
Silver Springs, MD 20910-3282

49 C.F.R. § 1105.12 – Newspaper Notice

The undersigned further certifies that a “Notice of Intent to Abandon” was published in the form prescribed by the Board for a Notice of Exemptions. The notice was published in a newspaper of general circulation in the county in which the line is located and in accordance with 49 C.F.R. § 1105.12 as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Belknap	The Citizen	May 9, 2006

Dated this 1 day of September, 2006.

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte", written over a horizontal line.

Stephen G. LaBonte
Assistant Attorney General
(603) 271 - 3675

The Citizen

Since 1873

SUNDAY CITIZEN

CITIZEN PUBLISHING COMPANY

171 Fair Street
Laconia, NH 03246

Robert H. Foster, Publisher
John Howe, General Manager
Stephanie Jewell, Advertising Sales Manager

I Jean Cowing certify that an advertisement
for Martin, Lord & Osman, PA appeared in **THE CITIZEN**
on May 9, 2006

Jean Cowing

STATE OF NEW HAMPSHIRE

BELKNAP, SS

05/11/2006
Date

Before me,

Notice of Intent to Abandon Lakeport Spur

The State of New Hampshire Department of Transportation gives notice that on or after May 30, 2006, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of a line of railroad known as the Lakeport Spur extending 1,375 feet from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V.21, Map 65-A, which traverses through United States Postal Service Zip Code 03246 in Belknap County, New Hampshire. The proceeding will be docketed as No. AB 871X.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street NW, Washington, DC 20423 or by calling that office at (202) 565-1545.

No local traffic has moved over the line in over 20 years. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW., Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (202) 565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Stephen LaBonte, State of New Hampshire Office of the Attorney General, 33 Capitol Street, Concord, New Hampshire 03301.

(Notary Public)

STEPHEN R. LOUNSBURY, Notary Public
My Commission Expires June 12, 2007

Laconia, New Hampshire 03246
300 • (800)564-3908

EXHIBIT C

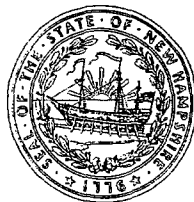
TRANSMITTAL LETTERS

ENVIRONMENTAL AND HISTORICAL REPORT

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

Christopher Morgan, Administrator
Bureau of Rail and Transit
NH Department of transportation
P.O. Box 483
7 Hazen Drive
Concord, NH 03302-0483

Mary A. Bomar
Regional Director, Northeast Region
National Park Service
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Office of the Special Assistant for
Transportation Engineering
Railroads for National Defense
Military Surface Development &
Distribution Command
Transportation Engineering Agency
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-4537

Dale Bosworth, Chief
Chief of the Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090

**RE: Docket No. AB-871X, State of New Hampshire Department of Transportation-
Abandonment of Rail Line Exemption- Belknap County, New Hampshire
(Lakeport Spur)**

Dear Sir or Madam:

This is notice that the State of New Hampshire Department of Transportation ("NHDOT") expects to be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority for an exempt abandonment of the Lakeport Spur extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on the Valuation Section V.21, Map 65-A, which traverses through United States Postal Service Zip Code 03246 in Belknap County, Laconia, New Hampshire (the "Line").

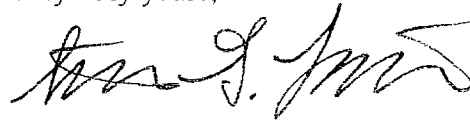
The "no business" exemption procedure will be used to discontinue the Line, pursuant to the abandonment regulations of the STB at 49 C.F.R. § 1152.50. No traffic has moved over the Line in at least two years and there is no overhead traffic on the Line. A Notice of Exemption will be filed with the STB on or after August 15, 2006.

Christopher Morgan, Administrator
Mary A. Bomar
Dale Bosworth, Chief
Office of the Special Assistant for
Transportation Engineering
July 26, 2006
Page 2

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the State's possession will be made available promptly to those requesting it.

A map showing the Line to be abandoned is attached, for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with the first name "Stephen" and last name "LaBonte" clearly distinguishable.

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

SGL:mc

Figure 1. Project Location

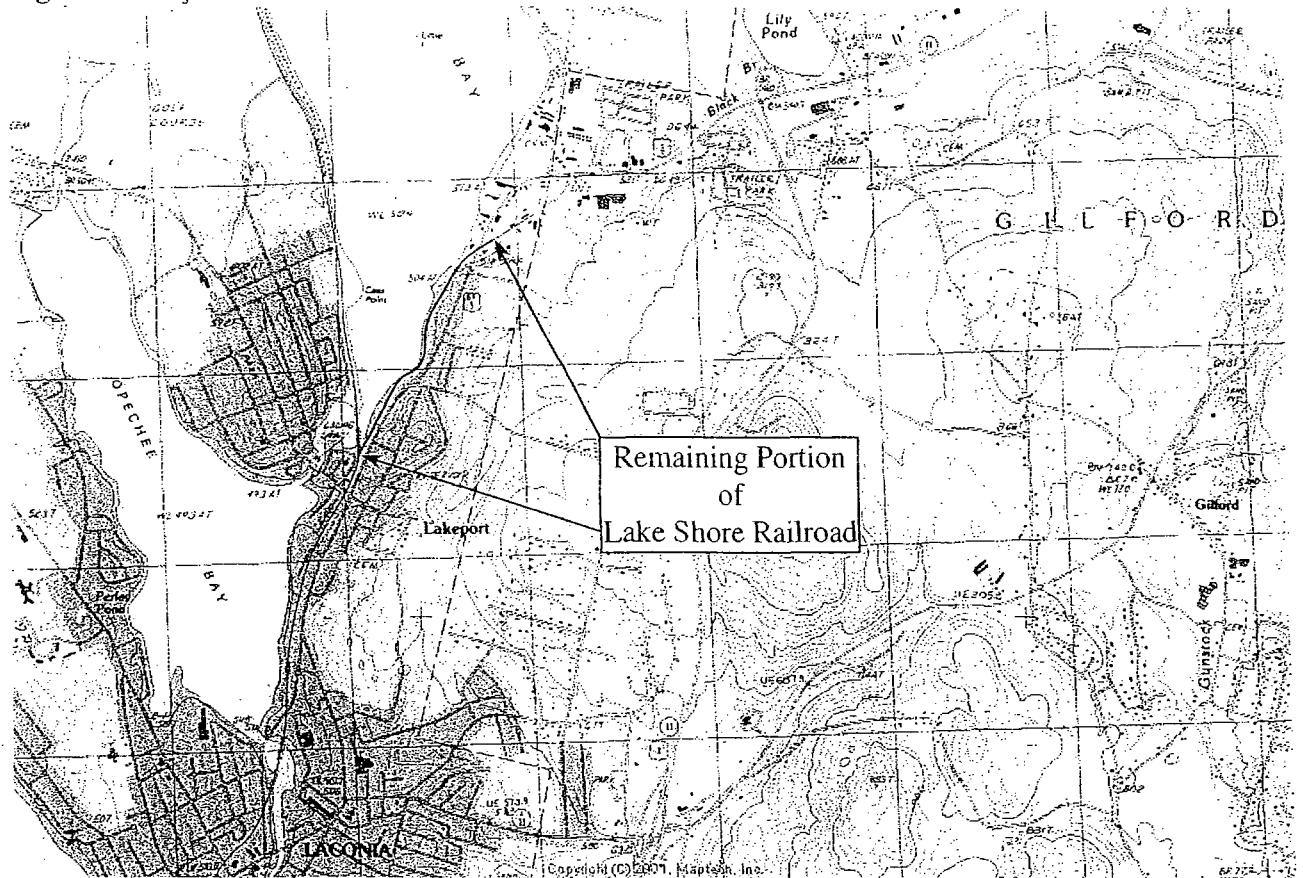
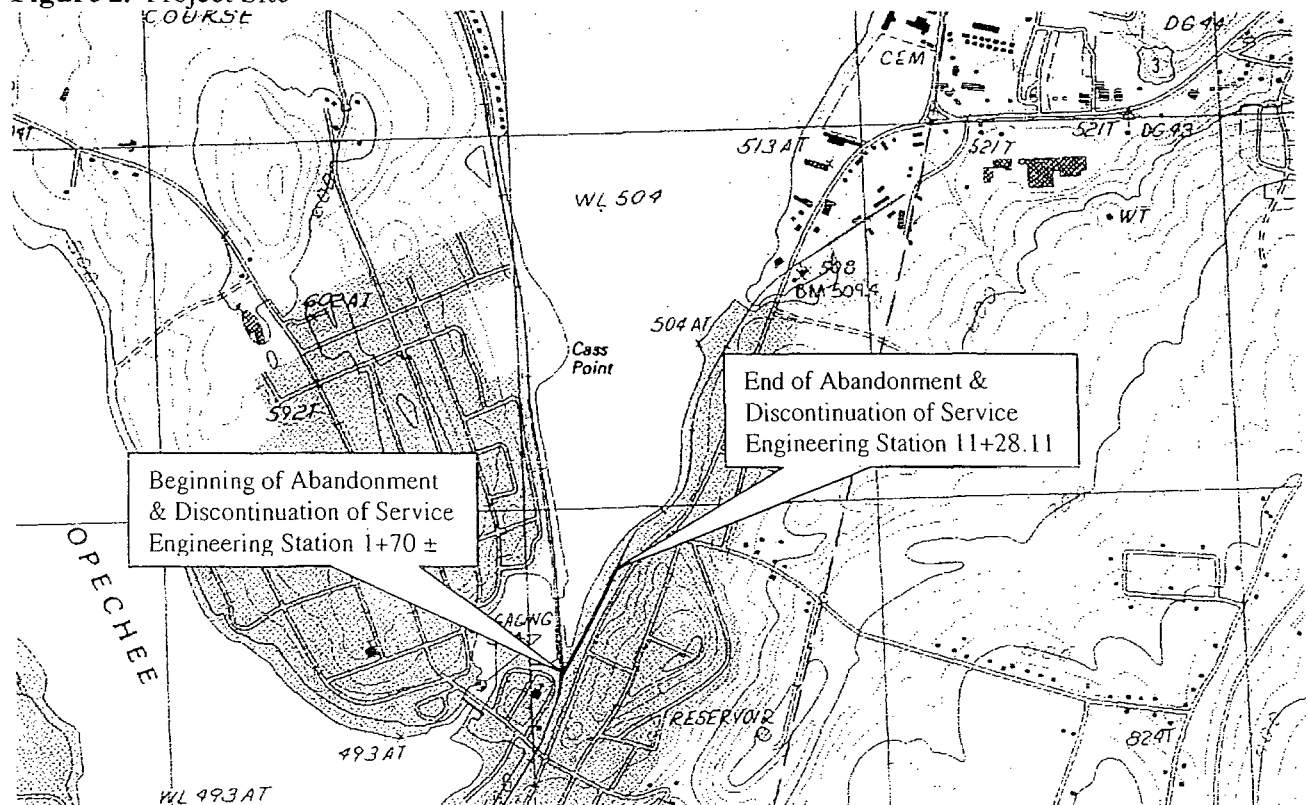


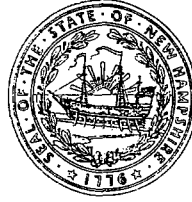
Figure 2. Project Site



**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

NGS Informational Services, NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
Attention: Simon
1315 East-West Highway
Silver Spring, MD 20910-3282

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Sir or Madam:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

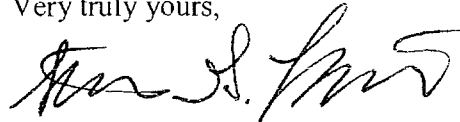
NGS Informational Services

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

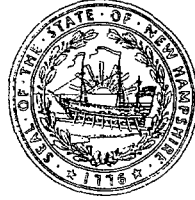
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with a large, stylized "S" and "L".

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

USDA – Natural Resources Conservation Service
Concord Service Center
10 Ferry Street, Suite 312
Concord, New Hampshire 03301-5019

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Sir or Madam:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

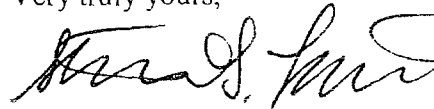
USDA – Natural Resources Conservation Service

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

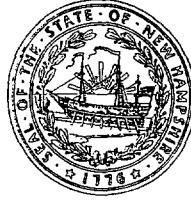
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

New Hampshire Division of Historical Resources
19 Pillsbury Street, 2nd Floor
P. O. Box 2043
Concord, New Hampshire 03302-2043

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Sir or Madam:

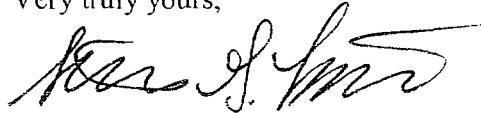
On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

New Hampshire Division of Historical Resources
July 26, 2006
Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

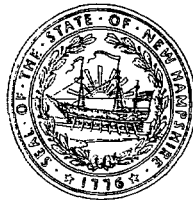
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte", with a stylized flourish at the end.

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

New Hampshire Coastal Program
Watershed Management Bureau
Department of Environmental Services
6 Hazen Drive
P. O. Box 95
Concord, New Hampshire 03302-0095

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Sir or Madam:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

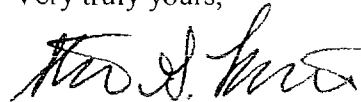
New Hampshire Coastal Program

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

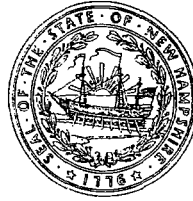
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

Michael J. Bartlett, Supervisor
New England Field Office
U.S. Department of Interior
U.S. Fish and Wildlife Service
70 Commercial Street – Suite 300
Concord, New Hampshire 03301-5087

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Mr. Bartlett:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

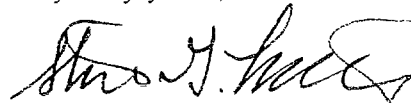
Michael J. Bartlett, Supervisor

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

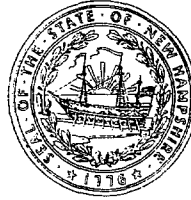
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with a large, stylized initial "S".

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

Timothy W. Drew, Administrator
Public Information and Permitting
Department of Environmental Services
6 Hazen Drive
P. O. Box 95
Concord, New Hampshire 03302-0095

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Mr. Drew:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

Timothy W. Drew, Administrator

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

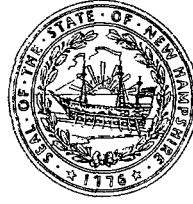
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

County of Belknap
Office of the Commissioners
34 County Drive
Laconia, New Hampshire 03246

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Sir or Madam:

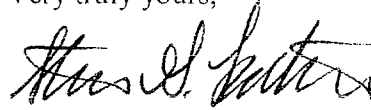
On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

Office of the Belknap County Commissioner
July 26, 2006
Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

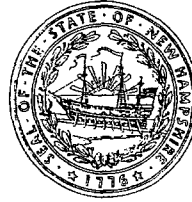
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with a large, stylized initial "S".

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

Mary A. Bomar, Regional Director, Northeast Region
National Park Service, U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, Pennsylvania 19106

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Ms. Bomar:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

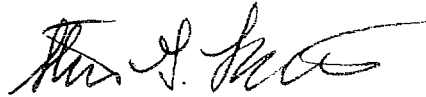
Mary A. Bomar, Regional Director, Northeast Region

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

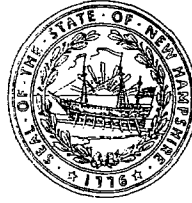
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte", with a long horizontal flourish extending to the right.

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

Mr. Stephen Perkins
US Environmental Protection Agency- Region 1
1 Congress Street, Suite 100
Boston, Massachusetts 02114-2023

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Mr. Perkins:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

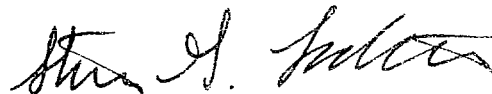
Mr. Stephen Perkins

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with a large initial "S" and a stylized "L".

Stephen G. LaBonte

Assistant Attorney General

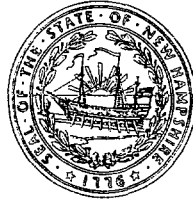
Transportation & Construction Bureau

(603) 271-3675

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



Orville B. Fitch, II

DEPUTY ATTORNEY GENERAL

July 26, 2006

Larry Rosenberg, Chief of Public Affairs
Public Affairs Office, New England District
U.S. Army Corps Of Engineers
696 Virginia Road
Concord, Massachusetts 01742-2751

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Mr. Rosenberg:

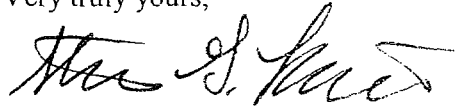
On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

Michael J. Bartlett, Supervisor
July 26, 2006
Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

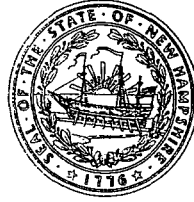
Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

SGL:mc

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

July 26, 2006

Mary Ann Manoogian, Director
Office of Energy & Planning
2 Beacon Street
Concord, NH 03301-4497

Re: Abandonment of a portion of line of railroad known as the Lakeport Spur
Docket No. AB-871X

Dear Ms. Manoogian:

On or after August 15, 2006 the New Hampshire Department of Transportation, Bureau of Rail and Transit expects to be filing with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR § 1152 Subpart F, Exempt Abandonments, permitting the abandonment of a portion of rail line known as the Lakeport Spur, extending from railroad engineering station 1 + 70 to engineering station 11 + 28.11 on Valuation Section V:21, Map 65-A, which traverses through United States Postal Service Zip Code p3246 in Belknap County, Laconia, New Hampshire. Attached is an Environmental/Historical Report describing the proposed abandonment and any expected environmental effects as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925, NW, Washington, DC 20424, Telephone (202) 565-1500, and refer to the above Docket No. AB-871X. Because the applicable statutes and regulations impose stringent deadlines for processing the abandonment, your written comments to SEA (with a copy to me) would be appreciated within three (3) weeks.

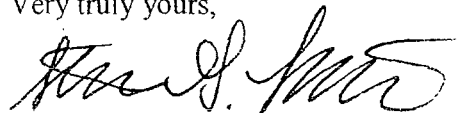
Mary Ann Manoogian, Director

July 26, 2006

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation of the contemplated abandonment. As I represent the New Hampshire Department of Transportation in this matter, please feel free to contact me should you have any questions at (603) 271-3675 or at the address above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

Stephen G. LaBonte
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

FEE RECEIVED

SEP 05 2006

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-871X



STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

(SUCCESSORS TO THE CONCORD AND MONTREAL RAILROAD
AND THE BOSTON & MAINE, CORPORATION)

FILED

SEP - 5 2006

**SURFACE
TRANSPORTATION BOARD**

-ABANDONMENT EXEMPTION-

ENVIRONMENTAL/HISTORICAL REPORT

ENTERED
Office of Proceedings

SEP 6 - 2006

Part of
Public Record

The State of New Hampshire Department of Transportation ("NHDOT") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

The following information is provided in accordance with 49 C.F.R. § 1105.7 (e).

1. **Proposed Action and Alternatives.**

NHDOT, successor in interest to the Concord and Montreal Railroad and the Boston and Maine Corporation, seeks to abandon its right to operate and maintain the railroad line over a portion of the Lake Shore Railroad (also known as the Lakeport Spur) in the City of Laconia, NH. (See Figures 1 & 2.) The section to be abandoned is located

on private property and is currently owned by James R. Irwin and Sons, Inc. It is depicted as parcel No. 23 and parcel No. 24 on Plan V21-65A entitled: *"Right-of-Way and Track Map, The Concord & Montreal R.R. Operated by the Boston and Maine R.R., Station -'+79 to Station 51+84, Scale 1-IN. = 100-FT., June 30, 1914."* and extends from Engineering Station 1+70 ± to Engineering Station 11+28.11. (See Figures 3, 4, & 5.)

The State of New Hampshire acquired the right to operate and maintain a railroad through condemnation from the Boston and Maine Corporation in. (See Attachments A & B.) In preparation for this filing, the NHDOT notified the relevant parties and afforded them the opportunity to provide comments.

There has been no traffic on the Lake Shore Railroad for more than twenty years. The NHDOT sees no reasonable alternative to the abandonment of its rights to operate and maintain railroad service over this line.

At this time, NHDOT has no salvage activity planned for this line. NHDOT does not propose the removal of tracks and ties, or removal of ballasts.

Attached to this Environmental/Historical Report, are conference reports (See Attachments C & D) documenting the review and discussion of the proposed abandonment of service with the appropriate federal, state and local authorities and agencies. This Environmental/Historical Report is based upon the information provided in those responses and from meetings with the relevant parties.

2. Transportation System

NHDOT does not anticipate that existing regional or local transportation systems or patterns will be adversely affected by the proposed abandonment as the line is

currently not in use. There has not been any passenger or freight traffic on the Lake Shore Railroad for more than twenty years.

3. Land Use.

- (i) NHDOT does not foresee any inconsistency with regional and/or local land use plans. This is simply an abandonment of a line no longer in use.
- (ii) Based on the available information, the proposed action will have no effect on any prime agricultural land.
- (iii) The proposed action is not located within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), and, accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts.
- (iv) The land is private property used for commercial purposes and is, therefore, unsuitable for alternative public purposes.

4. Energy.

- (i) Based on the available information, the proposed abandonment will not have any effect on transportation of energy resources. No energy resource commodities move over the line, and NHDOT foresees no possibility that such on-line traffic would develop in the future.
- (ii) The proposed abandonment will not have any effect on the movement and/or recovery of recyclable commodities. No such traffic has been handled on the line for years (if ever), and NHDOT foresees no possibility that any on-line recyclable commodity traffic would develop in the future.

- (iii) The proposed abandonment will not have any effect on overall energy efficiency. This railroad line is currently out of operation, there is no current traffic originating or terminating on the line or overhead traffic on the line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.
- (iv) Not applicable. The proposed abandonment will not result in any diversions from rail to motor carriers as the railroad line is not in service.

5. Air.

The proposed abandonment is located within an area of the State that is in attainment with respect to the National Ambient Air Quality Standards (NAAQS) for ozone and all other criteria pollutants (CO, NO_x, VOCs, and PM). The proposed abandonment is not considered a "Regionally Significant Project" as defined in the final Transportation Conformity rules (40 CFR 51.392) or in those rules adopted by the New Hampshire Department of Environmental Services in accordance with the interagency consultation provisions required by 40 CFR 51.402. When consummated, the abandonment will not result in any significant air quality impacts or contribute to violations of the NAAQS. Consequently, this abandonment is exempt from the conformity requirements of the Clean Air Act Amendments of 1990. In addition, the abandonment will not result in any of the increases set forth in § 1105.7 (e)(5). As indicated above, this is an abandonment of a line on which there has been no traffic for over twenty years, there is no overhead traffic on the line, there will not be any increase

in any rail traffic or rail yard activity, nor will there be any increase in truck traffic as a result of the abandonment.

6. Noise.

Not Applicable. The proposed abandonment will not have any impact on noise levels or result in or exceed any of the thresholds set forth at § 1105.7 (e)(6).

7. Safety.

- (i) The proposed abandonment will have no impact on public health and safety.
- (ii) Not applicable. This is an abandonment of a line on which no traffic has originated or terminated for over twenty years and there is no overhead traffic. Accordingly, the proposed abandonment will not have any effect on the transportation of hazardous materials.
- (iii) Remediation sites near the Lake Shore Railroad line have been identified by the New Hampshire Department of Environmental Services are listed in the table below. (Also see Figure 6.) Parcel 2 and parcels 5 through 12 have been closed by NHDES, meaning no further regulatory action is required. Parcels 1 and 4 had leaking underground storage tanks (LUST) and are currently operating under Groundwater Permits from the NHDES. The remaining site (Parcel 3) was contaminated when the site was used as a bulk storage petroleum facility. The current owner recently submitted a Groundwater Management Permit Application to NHDES.

PARCEL NUMBER	SITE ID	SITE NAME	ADDRESS	TOWN	PROJECT TYPE	PERMIT#
1	199204024	Abbott Property	Stark St., and Union Ave.	Laconia	LUST	GWP-199204024-L-002
2	199511010	Fitzgerald Dodge	1165 Union Avenue	Laconia	UIC	
3	198901015	Former Aarby's (D'Angelo's)	1056 Union Avenue	Laconia	SPILL / RLS	
4	199307002	Highway Oil Station #150	965 Union Avenue	Laconia	LUST	GWP-199307002-L-001
5	199104014	Irwin Marine	958 Union Avenue	Laconia	UIC	
6	199104014	Irwin Marine	958 Union Avenue	Laconia	SITE-EVAL	
7	199403007	John Rudzinski	1258 Union Avenue	Laconia	LUST	GWP-199403007-L-001
8	199510004	Labbe Oil Co	1185 Union Avenue	Laconia	FUEL, UIC	
9	199811042	Valvoline Instant Oil Change	1147 Union Avenue	Laconia	SPILL / RLS	
10	199511012	Yankee Rentals	1127 Union Avenue	Laconia	UIC	
11	199212029	Brooksies Garage/Daves Maintenance	Blaisdell Avenue	Laconia	LUST	
12	199212029	Brooksies Garage/Daves Maintenance	Blaisdell Avenue	Laconia	UIC	

8. Biological Resources.

- (i) Based on available information, the proposed abandonment will have no affect on endangered or threatened species or critical habitats.
- (ii) No National or State parks, forests, or wildlife sanctuaries will be affected by the proposed abandonment.

9. Water.

- (i) The proposed abandonment will not affect water quality and is not inconsistent with Federal, State, and/or local water quality standards.
- (ii) The proposed abandonment will not require any permits under § 404 of the Clean Water Act. Likewise, no designated wetlands or 100-year floodplains will be affected by the proposed action. (See Figure 7.)
- (iii) The proposed abandonment will not require any permits under § 402 of the Clean Water Act.

10. Proposed Mitigation

Because no environmental impacts are anticipated from the proposed

abandonment, no mitigation will be needed or is planned.

11. Additional Information for Rail Construction

The proposed abandonment is not a rail construction proposal. Therefore, this section does not apply.

HISTORIC REPORT – 49 C.F.R. § 1105.8 (d)

1. Maps.

The United States Department of the Interior Geological Survey topographical map is attached hereto identifying the location of the proposed action. (See Figures 1 & 2.)

2. Description of Right-of-Way.

The right to operate and maintain a railroad over land of James R. Irwin & Sons, Inc. was derived by the State from an order of the Merrimack County Superior Court and is described in an *Amended Notice of Condemnation* (See Attachment B) recorded in the Merrimack County Registry of Deeds at Book 1366, Page 893; in the Belknap County Registry of Deeds at Book 786, page 69; and also in the Grafton County Registry of Deeds. It is more particularly described in *Plan V-21/65-A*, as:

"...and the right to operate and maintain a railroad over Parcels #23, #24, and #25, in accordance with the railroad's reservation of rights under the conveyances of said parcels."

3. Photographs of Railroad Structures.

Photographs of the railroad tracks within the Irwin property are included. (See Figures 8, 9, 10, & 11.) There are no railroad structures other than tracks on the property.

4. Construction Dates.

Construction of the Lake Shore Railroad was begun in 1888 and completed in 1889.

5. History of Carrier Operations.

In 1847, the Cochecho Railroad obtained a charter to build a rail line from the Boston & Main Railroad in Dover to some point on the Boston, Concord, & Montreal Railroad in Belknap County. The Cochecho opened a line from Dover to Alton Bay in 1851. The Lake Shore Railroad was intended to complete the missing link between Alton Bay and the Boston, Concord, & Montreal Railroad (See Figure 12). For various reasons, work on the Lake Shore Railroad was delayed until 1888. Freight and passenger service began in 1890. In 1911, the Lake Shore Railroad and its connection with Dover, the former Cochecho Railroad, became the Lakeport Branch (Spur).

Connections at Lakeport became increasingly inconvenient, and between 1930 and 1934 passenger traffic was almost halved and freight traffic declined 97 percent as goods were transferred to highways. The last trains ran on July 9, 1935. Passenger service over the line to Dover ceased simultaneously.

At Alton Bay, a short length was retained for freight switching until 1942. From Lakeport to Lily Pond (See Figure 13), just over a mile of track remained in use as an industrial spur to serve Grossman's Lumberyard. This was closed about 1980.

6. Summary of Useful Documents.

The lots of concern are listed as parcels #23 and #24 on valuation plan V21-65A.

This plan is the property of Guilford Rail System and can be found at their headquarters at Iron Horse Park, High Street; North Billerica, MA 01862. A copy of the plan can also be found at the NH Department of Transportation, Bureau of Rail and Transit.

A survey of parcel #23 entitled "Land in Laconia, N.H. Boston and Main Railroad to James R. Irwin & Sons, Inc." by J. F. Kerwin Engineer of Design dated March 1959, can be found in the Belknap County Registry of Deeds, Plan Book 13, Page 954.

A survey of parcel #24 entitled "Land in Laconia, N.H. Boston and Main Corporation to James R. Irwin & Sons, Inc." J. D. Batchelder Engineer of Design dated October 1966, can be found in the Belknap County Registry of Deeds, Book 487, Page 202A.

The "Amended Notice of Condemnation" is recorded in the Merrimack County Registry of Deeds at Book 1366, Page 893; in the Belknap County Registry of Deeds at Book 786, page 69; and also in the Grafton County Registry of Deeds.

7. Opinion as to Historic Significance.

The proposed abandonment of service over the subject property was reviewed by the NH Division of Historical Resources on February 22, 2005. After reviewing photographs of the property and noting that the only remnants of the railroad were the rails, it was determined there were no objections to the proposed action. (See Attachment D.)

8. Description of Prior Subsurface Disturbance.

The proposed abandonment and discontinuation of service is over privately owned land. After the Boston and Main Railroad sold the land to James R. Irwin & Sons, Inc., the land was developed for a commercial boat storage facility and marina. A considerable amount of disturbance has occurred on the property with the exception of the rail line itself. While portions of the corridor have been paved over, the tracks remain in place and have been kept clear of permanent obstructions in recognition of the State's right to operate a railroad. (See Figure 14.)

Figure 1. Project Location

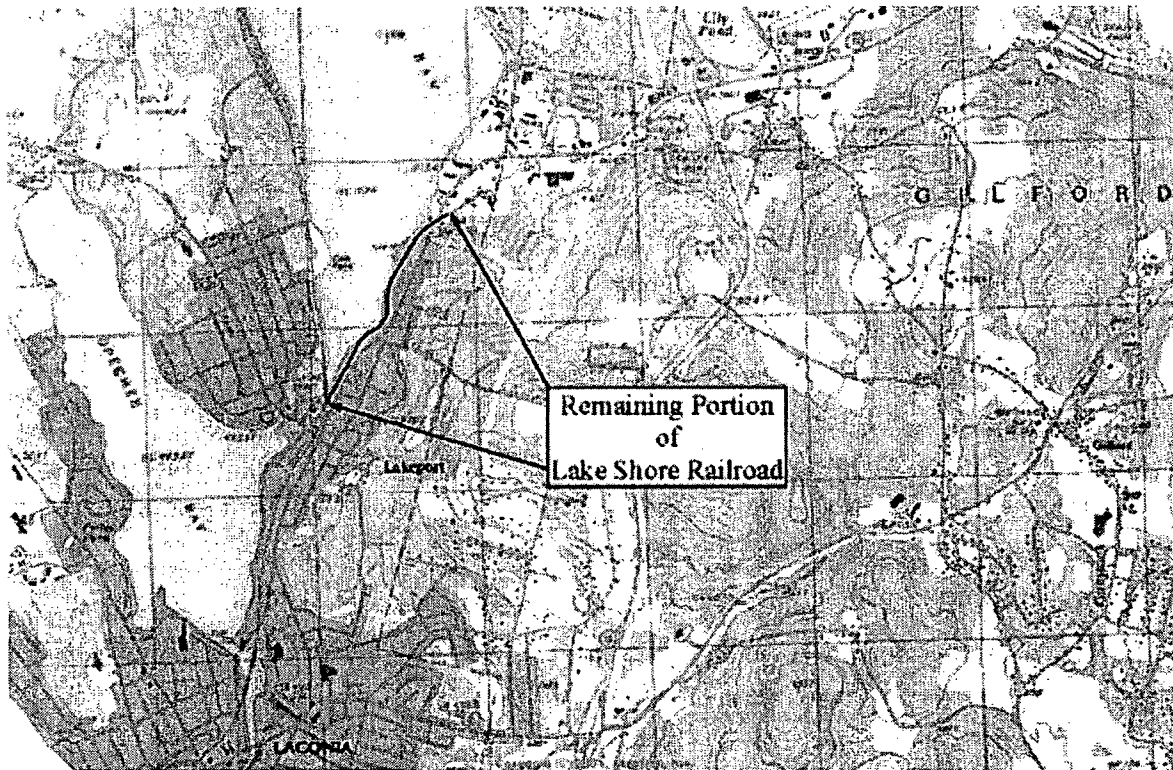


Figure 2. Project Site

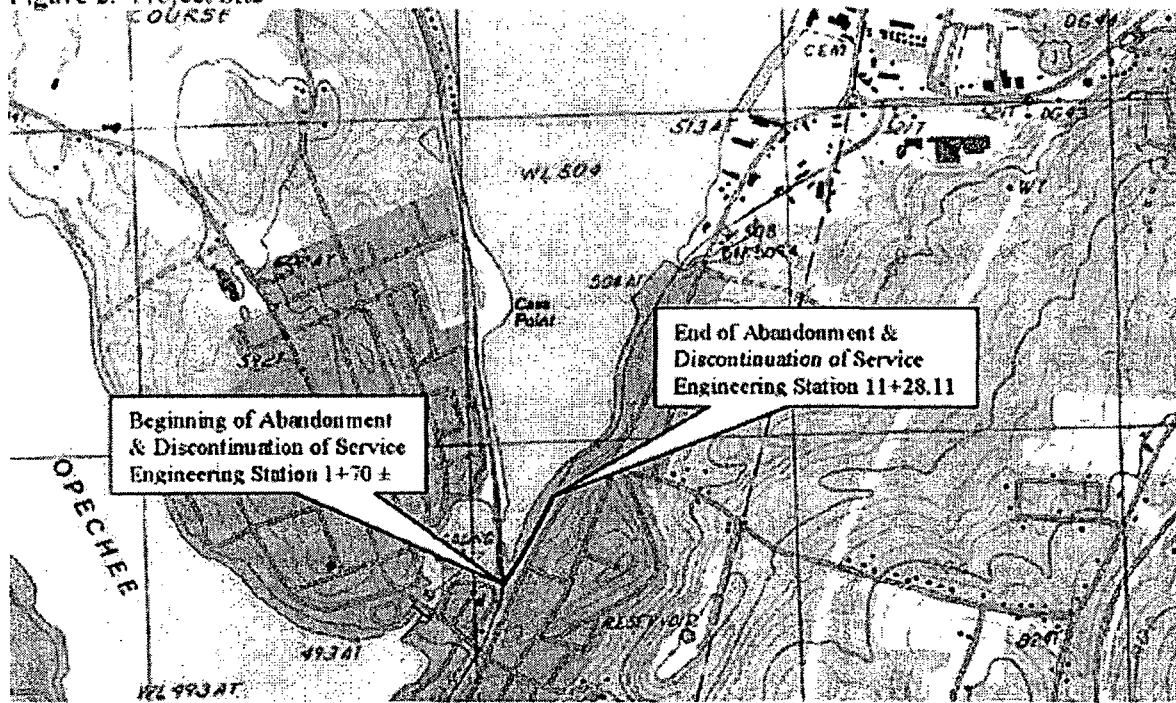
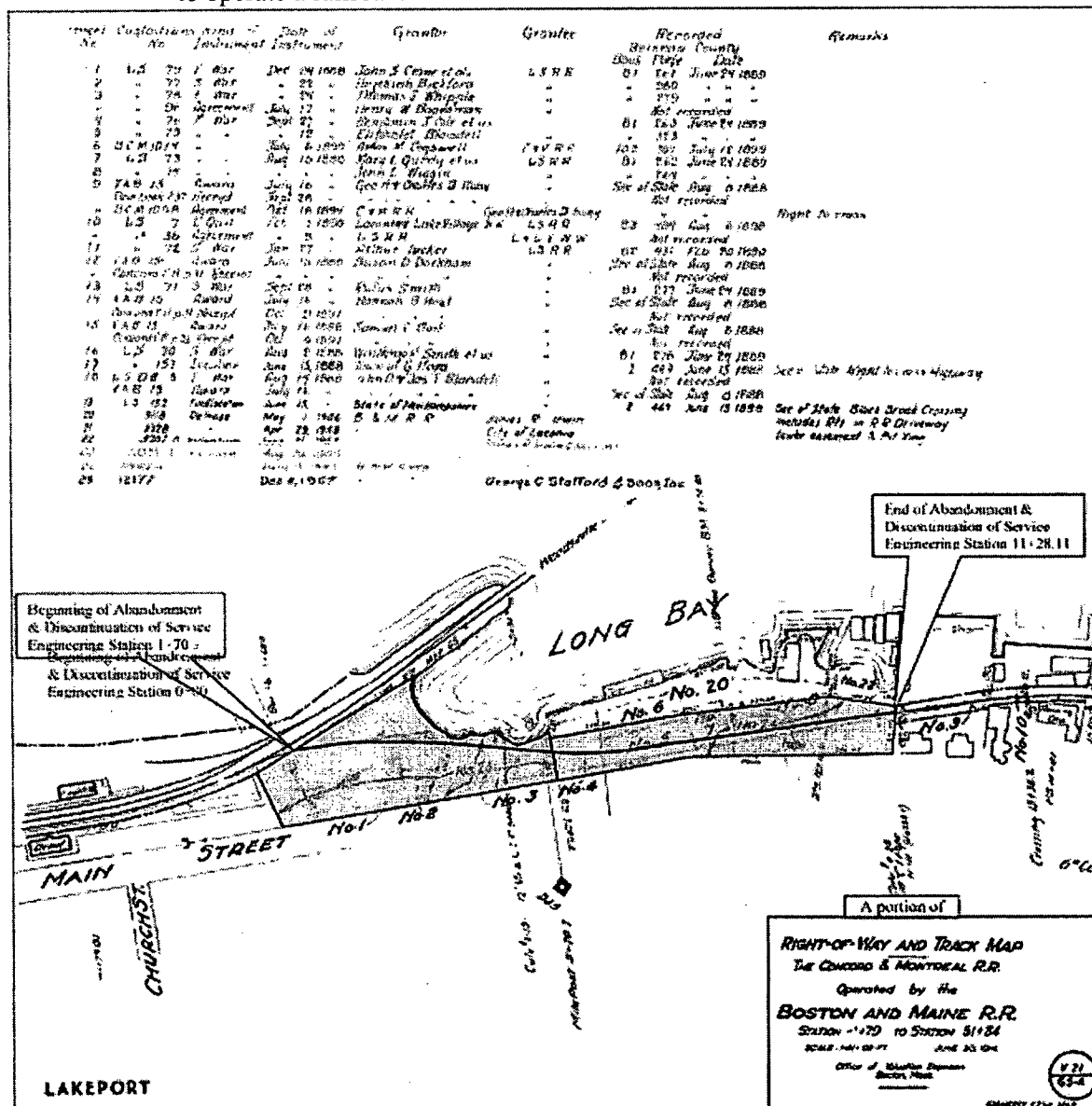


Figure 3. Irwin Marine Property over which the State will abandon and discontinue its right to operate a railroad.



Parcel 23

Boston and Maine Railroad
 to
 James R. Irwin & Sons, Inc.

Belknap County Registry of Deeds
 Deed: Book 398, Page 495
 Plan: Plan Book 13, Page 954

Parcel 24

Boston and Maine Corporation
 to
 James R. Irwin & Sons, Inc.

Belknap County Registry of Deeds
 Deed: Book 487, Page 198
 Plan: Book 487, Page 202A

Figure 5. Plan of Parcel #24.

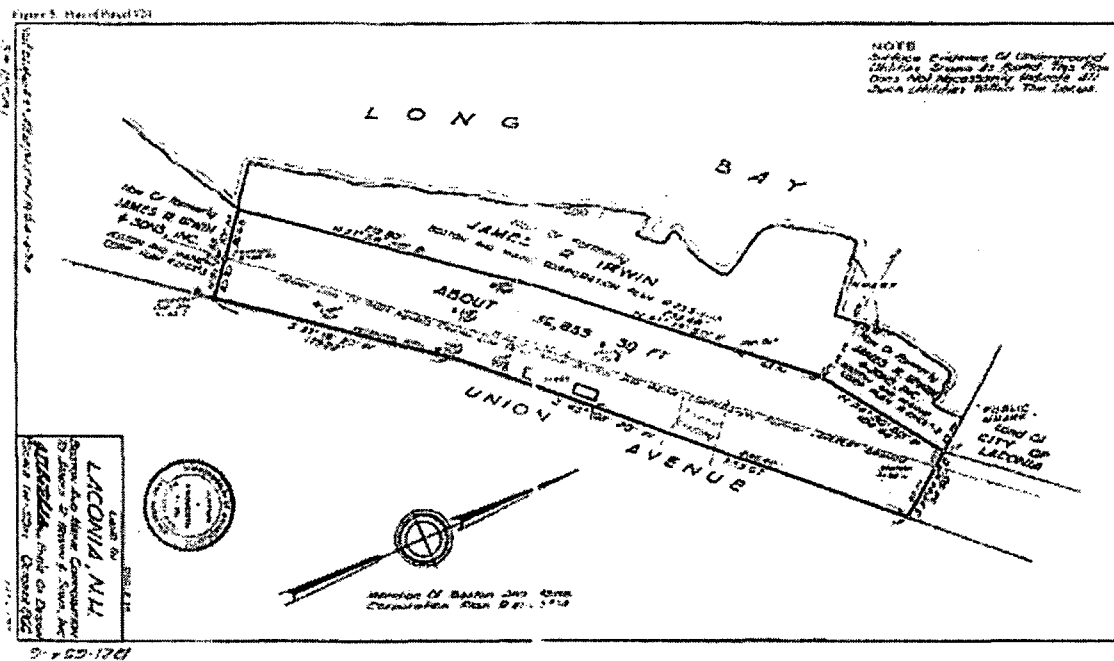
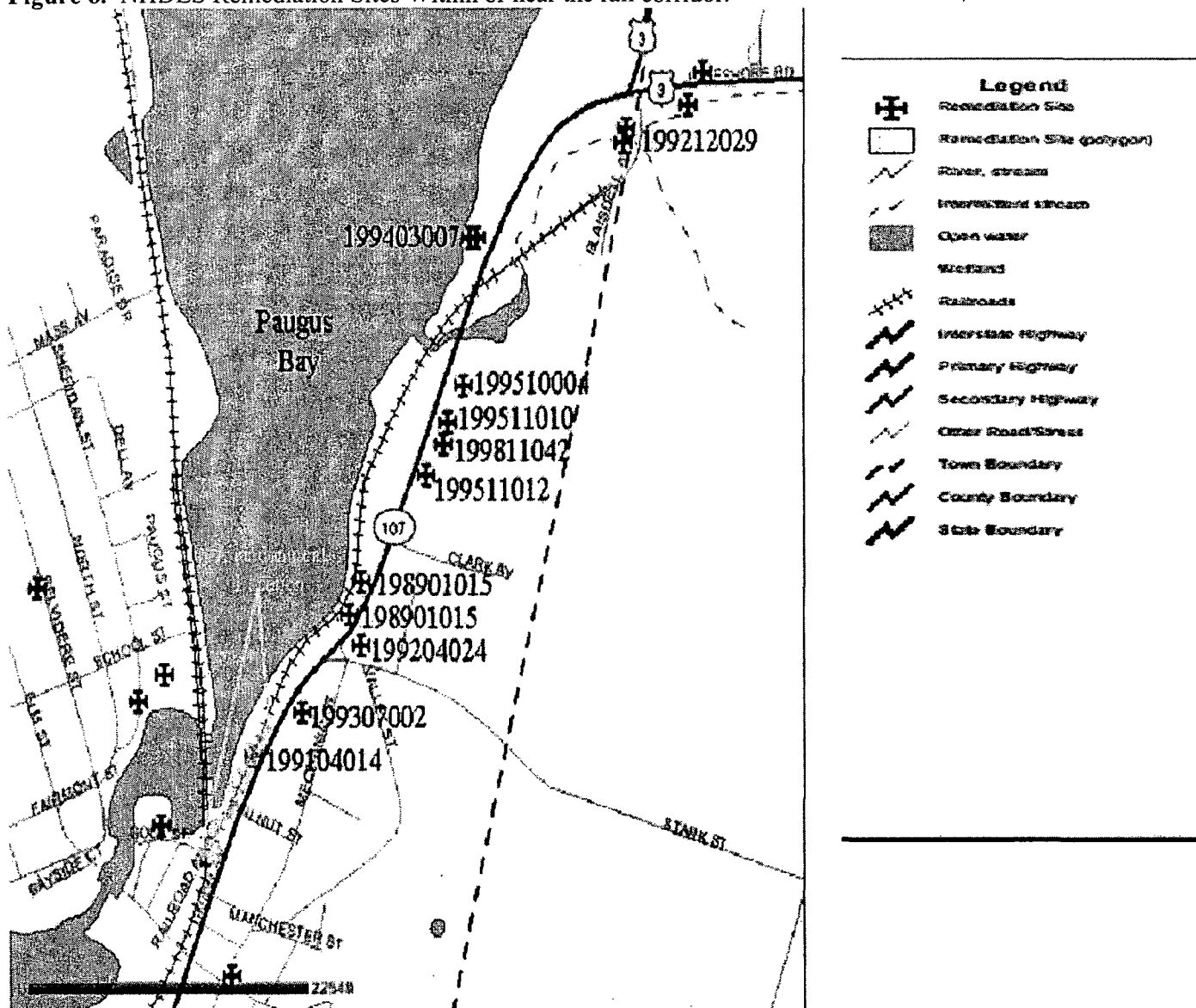


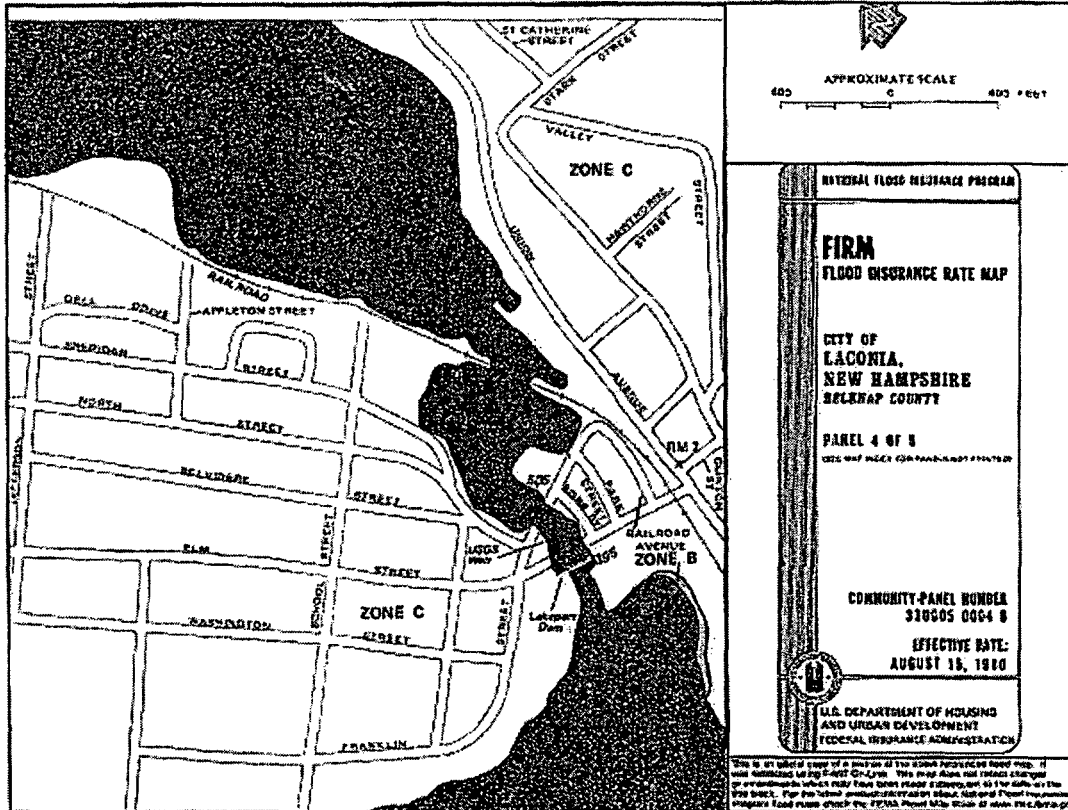
Figure 6. NHDES Remediation Sites Within or near the rail corridor.



SITE ID	SITE NAME	ADDRESS	TOWN	PROJECT TYPE	PERMIT#
199204024	Abbott Property	Stark St., and Union Ave.	Laconia	LUST	GWP-199204024-L-002
199511010	Fitzgerald Dodge	1165 Union Avenue	Laconia	UIC	
198901015	Former Aarby's (D'Angelo's)	1056 Union Avenue	Laconia	SPILL/RLS	
199307002	Highway Oil Station #150	965 Union Avenue	Laconia	LUST	GWP-199307002-L-001
199104014	Irwin Marine	958 Union Avenue	Laconia	UIC	
199104014	Irwin Marine	958 Union Avenue	Laconia	SITEEVAL	
199403007	John Rudzinski	1258 Union Avenue	Laconia	LUST	GWP-199403007-L-001
199510004	Labbe Oil Co	1185 Union Avenue	Laconia	FUEL, UIC	
199811042	Valvoline Instant Oil Change	1147 Union Avenue	Laconia	SPILL/RLS	
199511012	Yankee Rentals	1127 Union Avenue	Laconia	UIC	
199212029	Brooksies Garage/ Daves Maintenance	Blaisdell Avenue	Laconia	LUST	
199212029	Brooksies Garage/ Daves Maintenance	Blaisdell Avenue	Laconia	UIC	

Figure 7. Flood Insurance Rate Map, Laconia, NH.

Figure 7. Flood Insurance Rate Map, Laconia, NH.



Site Photographs

Figure 8. Looking West.

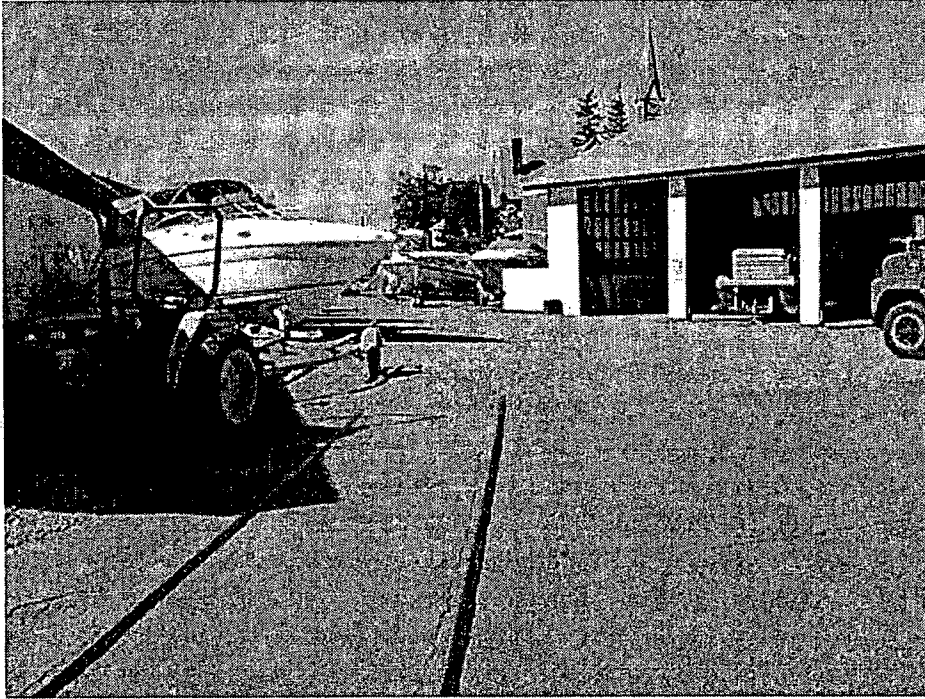


Figure 9. Looking East.

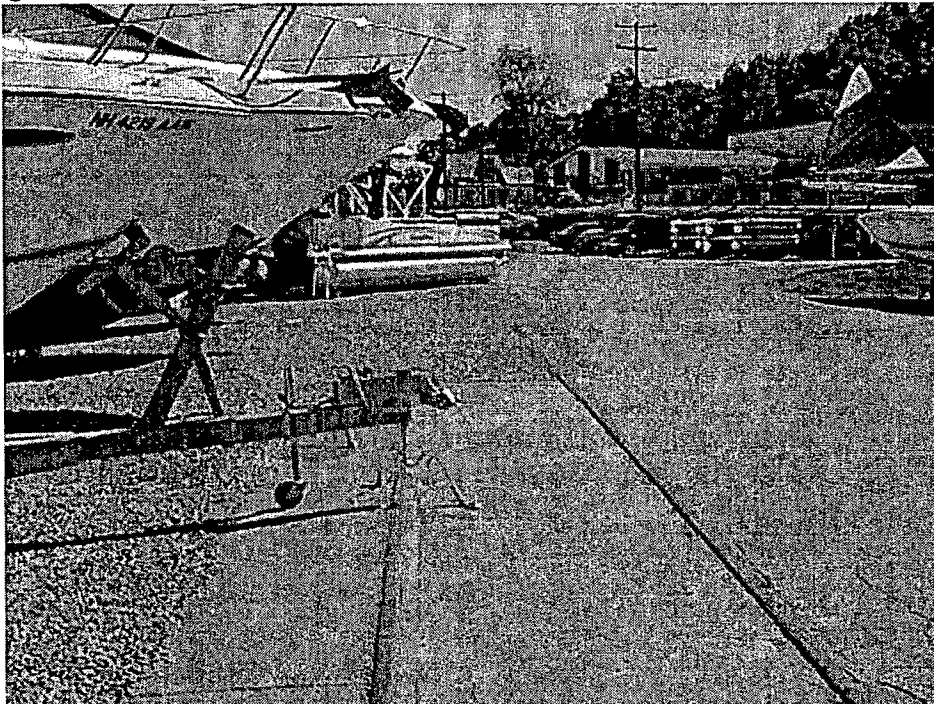


Figure 10. Looking East.

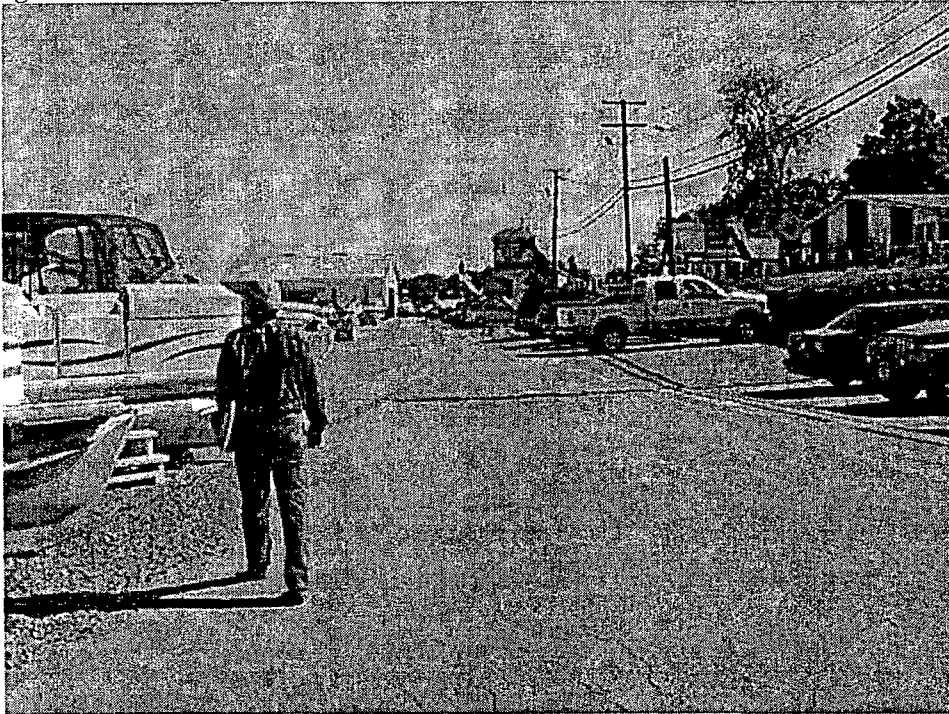
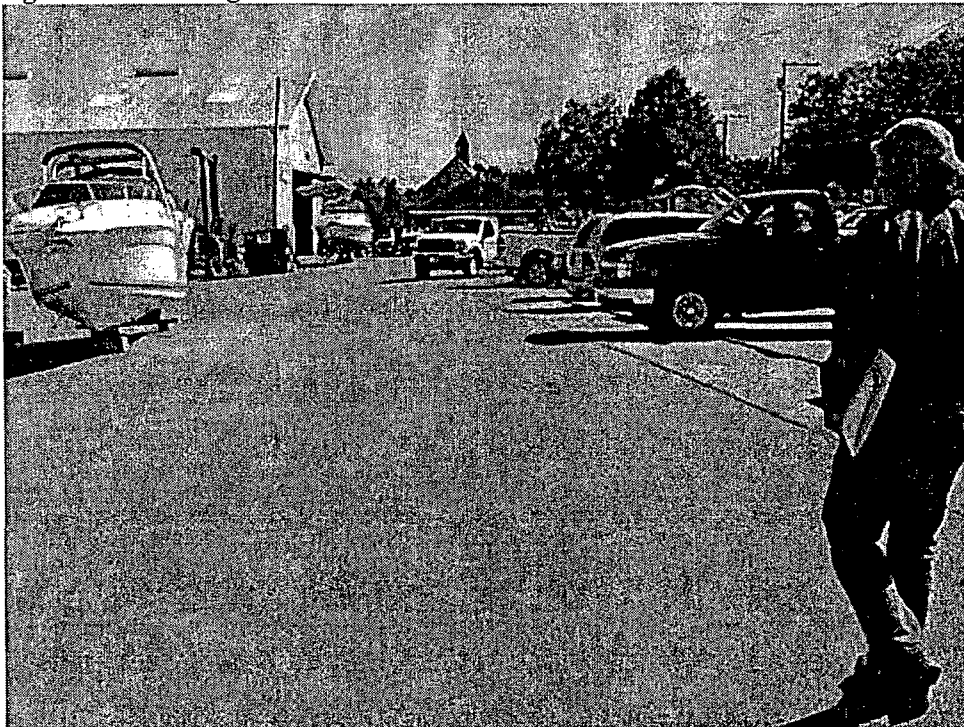


Figure 11. Looking East.



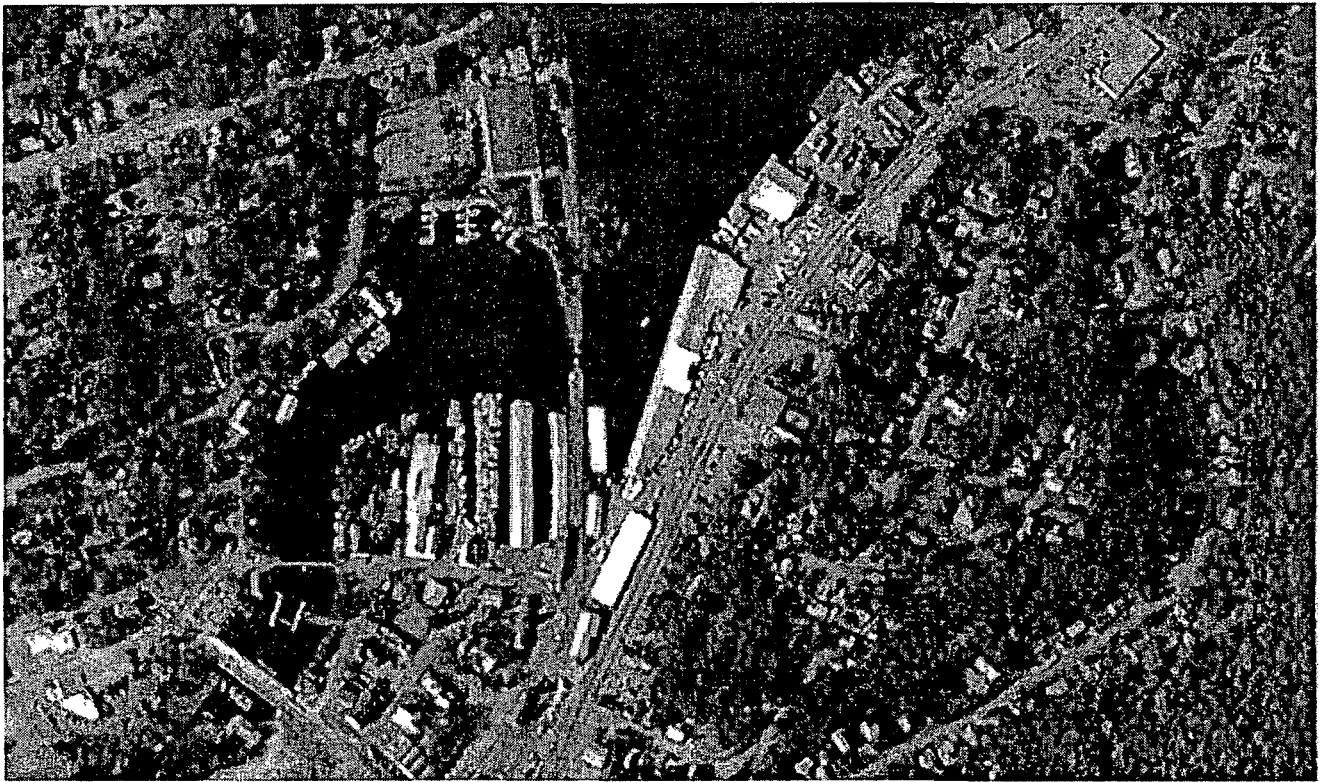
This is a detailed topographic map of the Guilford and Lenoir County area in North Carolina. The map features the Guilford Mountains, with prominent peaks and contour lines indicating elevation. The U.S. 421 corridor is clearly marked, running through the center of the map. The towns of Marshall and Guilford are shown, along with other smaller settlements like Lenoir and Lenoirville. The map also depicts the U.S. 421 corridor, the U.S. 421 corridor, and the U.S. 421 corridor. The map includes various geographical features such as rivers, streams, and lakes. The map is oriented with North at the top.



Figure 13. Department of the Interior Geological Survey – New Hampshire Winnepesaukee Quadrangle, 1909. Lake Shore Branch, Lakeport to Lily Pond.



Figure 14. Aerial photo of Irwin Marine property (2003).



NOTICE OF CONDEMNATION

THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION BY ALEXANDER J. KALINSKI, CHAIRMAN OF THE COMMISSION, AS SOLE AGENT FOR THE STATE OF NEW HAMPSHIRE, HAS ON OCTOBER 30, 1975, FILED WITH THE MERRIMACK COUNTY SUPERIOR COURT, SEPTEMBER 1975 COURT TERM, A DECLARATION OF TAKING FOR THE FEE TITLE AND OTHER RIGHTS TO THE FOLLOWING PROPERTY LOCATED IN THE CITIES OF CONCORD, FRANKLIN AND LACONIA AND THE TOWNS OF CANTERBURY, NORTHFIELD, TILTON, BELMONT, GILFORD, MEREDITH, NEW HAMPTON, ASHLAND, BRIDGWATER, PLYMOUTH, CAMPTON, THORNTON, WOODSTOCK AND LINCOLN, IN THE COUNTIES OF MERRIMACK, BELKNAP AND GRAFTON, OWNED BY:

THE BOSTON AND MAINE CORPORATION, DEBTOR,
FIRST NATIONAL BANK OF BOSTON,
STATE STREET TRUST COMPANY AND
MICHAEL P. BENTLEY, ESQUIRE, GUARDIAN AD LITEM

SAID PROPERTY BEING THE CONCORD-LINCOLN RAILROAD LINE, SO-CALLED, INCLUDING THE FRANKLIN-TILTON SPUR, SO-CALLED:

More specifically described on the Right-of-Way and Track Maps numbered V-21:36 through 88, excluding map numbered V-21:65-C; V-30:1 through 22, excluding maps numbered V-30:8a, 8b, 21-B and 21-C; and V-31:1 through 5, prepared and maintained by and on file with the Boston and Maine Corporation, Debtor, a railroad in reorganization, at Iron Horse Park, Billerica, Massachusetts, copies of which are attached hereto and made a part hereof, and includes all right, title and interest, present and future, tangible and intangible, to all real property, railway property, trade fixtures, affixed or appurtenant to the line including without limitation, all tracks, ties, bridges, signals and crossing protection devices, on, within and appurtenant to the line, whether owned by the Boston and Maine Corporation, Debtor, a railroad in reorganization or others, located between Stations 56 + 75 as shown on map V-21:36 and Station 1130 + 70 as shown on map V-30:22, but not including parcels 5 and 8 as shown on map V-21:38; parcels 6, 9, 10, 11, 13, 15, 17 and 42-12 as shown on map V-21:43; parcels 4, 5 and 6 as shown on map V-21:46; parcels 27 through 32 as shown on map V-21:54; parcels 20 and 22 as shown on map V-21:65; parcels 9 and 10 as shown on map V-21:65B; parcel 3 as shown on map V-21:74; parcels 7 and 8 as shown on map V-21:77; parcels 1, 2 and 4 as shown on map V-30:2; parcel 9 as shown on map V-30:17; and parcels 6 through 8 as shown on map V-30:21A.

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

By

Roger C. Burlingame
Roger C. Burlingame
Assistant Attorney General

October 30, 1975

BK 662 PGE-455

FILED
1975 OCT 30 PM 1:01
Quetta Wheeler
CLERK
BELKNAP COUNTY

*Amendment
See Book 786,
Page 69
Entered by Clerk*

SEE PLAN BOOK DRAWER 'B' PAGES 172-32

****AMENDED****

NOTICE OF CONDEMNATION

In accordance with the order of the Merrimack County Superior Court in the case of New Hampshire Public Utilities Commission v. Trustees of the Boston & Maine Corporation, Debtors, et al (Eq. 22,902), the State of New Hampshire filed in said Court an Amended Declaration of Taking which thereby became part of the Declaration of Taking filed in said Court on October 29, 1975, relating to certain tracts of land in the Cities of Concord, Franklin and Laconia and the Towns of Canterbury, Northfield, Tilton, Belmont, Gilford, Meredith, New Hampton, Ashland, Bridgewater, Plymouth, Campton, Thornton, Woodstock and Lincoln, in the Counties of Merrimack, Belknap and Grafton, owned by The Boston & Maine Corporation, Debtor, First National Bank of Boston, State Street Trust Company and Michael P. Bentley, Esquire, Guardian Ad Litem.

In accordance with the order of said Court, the New Hampshire Transportation Authority hereby files this "Amended Notice of Condemnation" reflecting the following changes in the Notice of Condemnation dated October 30, 1975, and recorded in the Merrimack County Registry of Deeds at Book 1260, Page 227; in the Belknap County Registry of Deeds at Book 662, Page 455; and in the Grafton County Registry of Deeds at Book 1262, Page 141:

Paragraph 3 of said Notice of Condemnation, which reads as follows:

More specifically described on the
Right-of-Way and Track Maps numbered V-21:36

OK 786 PGE-069

through 88, excluding map numbered V-21:65-C; V-30:1 through 22, excluding maps numbered V-30:8a, 8b, 21-B and 21-C; and V-31:1 through 5, prepared and maintained by and on file with the Boston and Maine Corporation, Debtor, a railroad in reorganization, at Iron Horse Park, Billerica, Massachusetts, copies of which are attached hereto and made a part hereof, and includes all right, title and interest, present and future, tangible and intangible, to all real property, railway properties, trade fixtures, affixed or appurtenant to the Line including without limitation, all tracks, ties, bridges, signals and crossing protection devices, on, within and appurtenant to the Line, whether owned by the Boston and Maine Corporation, Debtor, a railroad in reorganization or others, located between Stations 56 + 75 as shown on map V-21:36 and Stations 1130 + 70 as shown on map V-30:22, but not including parcels 5 and 8 as shown on map V-21:38; parcels 6, 9, 10, 11, 13, 15, 17 and 42-12 as shown on map V-21:43; parcels 4, 5 and 6 as shown on map V-21:46; parcels 27 through 32 as shown on map V-21:54; parcels 20 and 22 as shown on map V-21:65; parcels 9 and 10 as shown on map V-21:65B; parcel 3 as shown on map V-21:74; parcels 7 and 8 as shown on map V-21:77; parcels 1, 2 and 4 as shown on map V-30:2; parcel 9 as shown on map V-30:17; and parcels 6 through 8 as shown on map V-30:21A.

is hereby stricken in its entirety; and in place thereof are substituted the following paragraphs:

4. The property taken consists of the Concord-Lincoln Railroad Line, so called, including the Franklin-Tilton Spur, so called, said line and other spurs being located in the counties of Merrimack, Belknap and Grafton in the State of New Hampshire, and described on the Right-of-Way and Track Maps numbered V-21/36 through V-21/89, V-30/1 through V-30/22 and V-31/1 through V-31/5, prepared and maintained by and on file with the Boston and Maine Corporation, Debtor, a railroad in reorganization, at Iron Horse Park, Billerica, Massachusetts, copies of which are attached hereto and made a part hereof, and includes, unless a lesser

interest is herein specified, all right, title, and interest, present and future, tangible and intangible, to all real property, railway properties, and trade fixtures affixed or appurtenant to the line, whether owned by the Boston and Maine Corporation, Debtor, a railroad in reorganization or others: including without limitation, all tracks, ties, bridges, signals and crossing protection devices, on, within, and appurtenant to the line. Said Railroad Line commencing at Station 56 + 75 as shown on Plan V-21/36 and ending at Station 1130 + 70 as shown on Plan V-30/22, and the Franklin-Tilton Spur, so called, commencing at the easterly bank of the Merrimack River, as shown on Plan V-31/1, and ending at the westerly limits of the Concord-Lincoln Line, as shown on Plan V-31/5 and Plan V-21/53, and being more specifically described as follows:

Merrimack County

Plan V-21/36: That portion of Parcel #16 lying northerly of the "yard limit" at Station 56 + 75; and also Parcel #17 (meaning the right to cross North Fan Road, so called) and Parcel #18.

Plan V-21/37: Parcels #1, #2, #3 (meaning the right to cross Benucook Street, so called), #4, #5, #6; so much of Parcel #7 as lies twenty-five (25) feet either side of the centerline of the rail line as it existed on October 29, 1975, from the northerly boundary of East Portsmouth Street to the southerly boundary of Parcel #28; #8 (meaning the right to cross East Portsmouth Street, so called; also called "Pecker Street" and "Old New Hampshire Turnpike), #9, #20, #28, and #29.

Plan V-21/38: Parcels #2, #3, #4, #6 (meaning the right to cross

(meaning the right to cross Elm Street, so called), #12, #15, #16, #17, #18, #20, #21, and the right to operate and maintain a railroad over Parcel #29, in accordance with the railroad's reservation of rights under the conveyance of said Parcel.

Plan V-21/65-A: Parcels #9, #10, #11, #12, #13, #14, #15, #16, #17 (meaning the right to cross a highway), #18 (excluding, however, any portion of said Parcel #18 as may have been conveyed by Parcel #10 of Plan V-21/65-B), #19, and the right to operate and maintain a railroad over Parcels #23, #24, and #25, in accordance with the railroad's reservation of rights under the conveyances of said Parcels.

Plan V-21/65-B: No parcels acquired.

Plan V-21/65-C: No parcels acquired.

Plan V-21/66: Parcels #1, #2, #3, and #4.

Plan V-21/67: Parcels #1, #2, #3, #4, and #5.

Plan V-21/68: Parcels #1, #2, #3, #4, #5, and #6.

Plan V-21/69: Parcels #1, #2, #3, #4, and #5.

Plan V-21/70: Parcels #3 (meaning the right to cross a highway), #4, and #12.

Plan V-21/71: Parcels #1, #2, #3, and #4.

Plan V-21/72: Parcels #1, #2, #3, and #4.

Plan V-21/73: Parcels #1, #2, #3, #4, and #5.

of its political subdivisions for highway or other public purposes.

Excepting and reserving from the above-described takings any and all express or implied easement rights or licenses, private or public, to cross said railroad line as were legally in effect on October 29, 1975.

All parcels, or portions thereof, appearing or described on said Plans which are not specifically referred to above are intended to be excluded from, and shall not constitute a part of, this taking.

Where any of the parcels referred to above have been modified or reduced in size by subsequent conveyances under other parcel numbers not referred to, only such portions of the referenced parcels as remain are intended to be acquired.

In all other respects, the Notice of Condemnation dated October 30, 1975, shall remain the same.

THE STATE OF NEW HAMPSHIRE

TRANSPORTATION AUTHORITY

By its Executive Director

Charles W. Chandler
Charles Chandler

John O. Morton Building
85 Loudon Road
Concord, New Hampshire 03301

February 28, 1980

Attorney for the State of New Hampshire
Attorney General Thomas D. Rath
State House Annex
Concord, New Hampshire 03301

James E. Morris
James E. Morris
Assistant Attorney General

FILED

1980 FEB 29 AM 10:36
Everett S. Wheeler
Deputy
BK 786 PGE-080



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

CAROL A. MURRAY, P.E.
COMMISSIONER



STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF ENVIRONMENT

CONFERENCE REPORT

PROJECT: Lake Shore Railroad

DATE OF CONFERENCE: February 16, 2005

ATTENDEES:

NHDOT

Mark Hemmerlein
 Charlie Hood
 Russ St.Pierre

**Army Corps of
 Engineers**
 Rich Roach

**US Fish and Wildlife
 Service**
 Bill Neidermyer

**Federal Highway
 Administration**
 Bill O'Donnell
 Harry Kinter

NH Wetlands Bureau
 Gino Infascelli

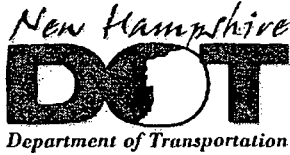
**NH Fish and Game
 Dept.**
 Bill Ingham

SUBJECT: Abandonment and discontinuation service by the State of NH

NOTES ON CONFERENCE:

Russ St.Pierre explained the State's intent to abandon and discontinue its right to operate and maintain a railroad over a portion of the former Lake Shore Railroad (Lakeport Spur) in the City of Laconia, NH. He explained that the land over which rail service would be abandoned is private property owned by James R. Irwin & Sons, Inc. and is currently used commercially as Irwin Marine. Photographs depicting the current state of the property were displayed. The photographs revealed the extensive development of the property and how the marina has maintained clear access to the rail line.

After discussion, it was determined the potential environmental consequences of the proposal were minor. There were no official objections to the proposed abandonment, though one participant did express a personal objection.



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

CAROL A. MURRAY, P.E.
COMMISSIONER



STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF ENVIRONMENT

CONFERENCE REPORT

PROJECT: Lake Shore Railroad

DATE OF CONFERENCE: February 22, 2005

ATTENDEES:

NHDOT

Joyce McKay
Russ St.Pierre

Federal Highway

Administration
Harry Kinter

**NH Division of Historical
Resources**

Linda Wilson
Edna Feighner
Jim Garvin

SUBJECT: Abandonment and discontinuation service by the State of NH

NOTES ON CONFERENCE:

R. St. Pierre reviewed the State's proposal to abandon and discontinue its right to operate a railroad over a small portion of the former Lakeport Spur Railroad in Laconia, NH. He explained that the action would not involve the transfer of property as the land was privately owned and in commercial use. James R Irwin & Sons, Inc. acquired the land from the Boston and Maine Railroad in the 1940s and 1950s and developed it into Irwin Marine. Though the B & M Railroad sold the real estate, they retained their right to operate a railroad over the property. The State acquired this right from through condemnation proceedings against the B & M Railroad in 1975, as amended in 1980.

Photographs and maps of the property were reviewed. It was noted that there were no railroad structures on the property and development and alterations had disturbed most of the land. After review, it was determined that there were no objections to the proposed abandonment and discontinuation of service.